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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,138	08/20/2003	Daniel T. Yoest	30130-RA	6483
30184	7590	11/29/2004	EXAMINER	
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339			FIGUEROA, FELIX O	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 11/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,138

Applicant(s)

YOEST, DANIEL T.

Examiner

Felix O. Figueroa

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004 and 24 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 8, 9, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graves (US 4,484,185) in view of Tuttle (US 3,888,439).

Graves discloses a power cord plug securing device, comprising: a clasp member (at end 52) for removably and securably retaining a power cord therein; the clasp member comprising a trough region (between 54,56) with retaining walls (54,56) extending therefrom; the trough region disposed along a first axis of orientation; a securing strap (48) proximate from a base region underlying the trough region and disposed along an axis of orientation parallel to the first axis of orientation. Graves discloses substantially the claimed invention except for the hole to receive a screw. Tuttle teaches a through-hole (30) formed through the securing strap (12), the through-hole adapted to receive a screw for removable attachment of the device to a respective supporting part to allow connection to different mating parts. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the strap of Graves with a through-hole, as taught by Tuttle, to allow connection to different mating parts.

Regarding claim 2, Graves discloses the clasp member being adapted to removably engage and securely retain a portion of the power cord immediately aft of the plug head when attached thereto.

Regarding claim 3, Graves discloses the clasp member being substantially U-shaped (when connected to the power cord).

Regarding claim 6, Graves discloses a first end of the securing strap being integrally formed with said clasp member.

Regarding claim 8, Graves, as modified, discloses the through-hole being opposingly positioned from the clasp member on said securing strap.

Regarding claim 9, Tuttle discloses a plurality of through-holes.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves and Tuttle, and further in view of Grosswendt (US 5,573,420).

Graves, as modified, discloses substantially the claimed invention except for the specific retaining walls. Grosswendt shows (in Fig.5) retaining walls terminating in inwardly projecting ends for securely maintaining the portion of the power cord immediately aft of the plug head within a trough region. This retaining structure is an art recognized equivalent structure for the retaining structure of Graves. Therefore, because these two retaining structure were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the retaining walls of Grosswendt for the retaining walls of Graves to allow easy removal of the clasp member from the power cord while providing a secure retention.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves, Tuttle, and Grosswendt, and further in view of Cross (US 5,211,573).

Graves, as modified, discloses substantially the claimed invention except for ribbed or textured walls. Cross teaches the use of ribbed or textured walls (80) to provide a friction fit (col.4, lines 53-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use ribbed or textured walls, as taught by Cross, to provide a friction fit.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graves and Tuttle, and further in view of Laherty (US 5,547,390).

Graves, as modified, discloses substantially the claimed invention except for the integral strap and cover plate. Laherty teaches (in Fig.5) a securing member with a second end of the strap being integral with a cover plate. This arrangement reduces the securing time between the plug and mating device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the strap of Graves integral with a cover plate, as taught by Laherty, to reduce the securing time between the plug and mating device.

Claims 10-15 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US 6,033,251) in view of Graves.

Cook discloses a power cord plug securing device (Fig.1), comprising; a first clasp member (left side) for removably and securably retaining a first power cord (26) therein; a second clasp member (right side) for removably and securably retaining a second power cord therein; and a securing strap (34) extending proximate between a

base region underlying the trough region of the first clasp member and a base region underlying the trough region of the second clasp member. Cook discloses substantially the claimed invention except for specific clasp member. Graves shows a clasp member (at end 52) for removably and securably retaining a power cord; the clasp member comprising a trough region (between 54,56) with retaining walls (54,56) extending therefrom; the trough region disposed along a first axis of orientation; and a securing strap (48) proximate from a base region underlying the trough region and disposed along an axis of orientation parallel to the first axis of orientation. This clasp member is an art recognized equivalent structure for the clasp member of Cook. Therefore, because these two clasp member were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the clasp member of Graves for the clasp member of Cook to facilitate manufacturing of the securing device.

Regarding claim 11, Cook discloses the securing device adapted to maintain the first power cord in electrical engagement with the second power cord (Fig.3).

Regarding claim 12, Cook discloses a through-hole (12) formed through the securing strap, the through-hole adapted to receive an electrical outlet cover plate screw (32) for removable attachment of the device to an electrical outlet cover plate.

Regarding claim 13, Cook discloses at least one of the first and second clasp members is adapted to maintain electrical engagement of a plug head of at least one of the first and second power cords with an electrical outlet (Fig.4).

Regarding claim 14, Cook discloses the first clasp member being adapted to removably engage and securely retain a portion of the first power cord immediately aft of a plug head attached thereto, and wherein the second clasp member is adapted to removably engage and securely retain a portion of the second power cord immediately aft of a plug head attached thereto.

Regarding claim 15, Cook, as modified by Graves, discloses the first and second clasp members are substantially U-shaped.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook and Graves, and further in view of Grosswendt (US 5,573,420).

Cook, as modified by Graves, discloses substantially the claimed invention except for the specific retaining walls. Grosswendt shows (in Fig.5) retaining walls terminating in inwardly projecting ends for securely maintaining the portion of the power cord immediately aft of the plug head within a trough region. This retaining structure is an art recognized equivalent structure for the retaining structure of Graves. Therefore, because these two retaining structure were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the retaining walls of Grosswendt for the retaining walls of Graves to allow easy removal of the clasp member from the power cord while providing a secure retention.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook, Graves, and Grosswendt, and further in view of Cross (US 5,211,573).

Graves, as modified, discloses substantially the claimed invention except for ribbed or textured walls. Cross teaches the use of ribbed or textured walls (80) to provide a friction fit (col.4, lines 53-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use ribbed or textured walls, as taught by Cross, to provide a friction fit.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ffr



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